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U.S. Citizens Association v. Sebelius - District Court Order Denying Stay

United States District Court for the Northern District of Ohio

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DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

U.S. Citizens Association, et al.,)	
)	CASE NO. 5:10 CV 1065
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
Barack Obama, et al.,)	
)	
Defendants.)	
)	

The Court previously granted defendants' motion to dismiss plaintiffs' second amended complaint on all counts except Count 1. ECF 58. Subsequently, defendants moved to stay the proceedings in this case during the pendency of the Sixth Circuit appellate proceedings in *Thomas More Law Center v. Obama* (6th Cir. No. 10-2388) on the grounds that this case involves the same matters at issue in the *Thomas More Law Center* case and resolution of *Thomas More* by the Sixth Circuit will determine, or significantly inform, the outcome of this case, thereby advancing judicial economy. ECF 60. Plaintiffs have opposed defendants' motion to stay, arguing that plaintiffs will be prejudiced and that judicial economy will be not be served because a stay will delay appellate consideration of the Court's dismissal of Counts 2, 3 and 4 of plaintiff's second amended complaint, all of which will not be resolved by the Sixth Circuit in *Thomas More*. ECF 61.

(5:10 CV 1065)

The Court has broad discretion to weigh competing interests in determining whether a stay is appropriate. In this case, the Court dismissed three of plaintiffs' four claims and plaintiffs cannot appeal that ruling until after the Court has decided the parties' motions for summary judgment. Imposing a stay would significantly extend the time required for the ultimate resolution of this case.

After carefully considering the parties' arguments and their respective positions, the Court concludes that the balance of interests in this case weighs in favor of the plaintiffs and expeditious resolution so that the case can advance on appeal. Accordingly, the Court exercises its discretion to deny defendants' motion to stay.

The parties have jointly informed the Court that the remaining issues in this case may be decided as a matter of law and no discovery is necessary before advancing to summary judgment. ECF 59. Accordingly, motions for summary judgment must be filed by January 10, 2011. Responses must be filed by January 24, 2011. Replies are not necessary.

IT IS SO ORDERED.

December 15, 2010
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge